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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,702	02/28/2002	John Marshall Gaffney	1018/9N	7986

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EXAMINER

FUNK, STEPHEN R

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,702

Applicant(s)

GAFFNEY ET AL.

Examiner

Stephen R Funk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

The effective filing date for the claims pending in this application has been determined to be April 7, 1992, the filing date of application Serial No. 07/864,680. This is the first application in applicant's prior applications which discloses a printing plate having opposite ends and being wrapped about a plate cylinder. See M.P.E.P. § 201.11 "When Not Entitled To Benefit Of Filing Date". Note that the reference to Gaffney et al. ('954) is a statutory bar under 35 U.S.C. § 102(b), through 35 U.S.C. § 103, to the pending claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaffney et al. (CA 2,026,954) in view of Gaffney et al. (US 4,953,461). Gaffney et al. ('954) disclose the printing press as recited with exception of the printing plate having opposite ends and being wrapped around the plate cylinder. See the entire disclosure of Gaffney et al. ('954), in particular, page 19 first full paragraph. Gaffney et al. ('461) disclose the conventionality of a blanket on a blanket cylinder (12 or 14) having a continuous outer surface (16 or 18) and a printing plate (28 or 30) wrapped around a plate cylinder (24 or 26) and the plate having opposite ends inserted into a gap (44 or 46) of the plate cylinder. See column 2 line 40 -

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column 3 line 15 of Gaffney et al. ('461), for example. It would have been obvious to one of ordinary skill in the art to provide the printing press of Gaffney et al. ('954) with a printing plate having opposite ends in view of Gaffney et al. ('461) so as to be securely wrap and retain the printing plate on the plate cylinder.

Claims 1 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaffney et al. (US 4,953,461) in view of Gaffney et al. (CA 2,026,954). Gaffney et al. ('461) disclose the conventionality of a blanket on a blanket cylinder (12 or 14) having a continuous outer surface (16 or 18) and a printing plate (28 or 30) wrapped around a plate cylinder (24 or 26) and the plate having opposite ends inserted into a gap (44 or 46) of the plate cylinder. See column 2 line 40 - column 3 line 15 of Gaffney et al. ('461), for example. Gaffney et al. ('954) disclose the desirability of first and second sidewalls, the first sidewall (96) having a movable portion (94) and an opening (102), a blanket cylinder (14, 16) having a source of pressurized fluid (110) and having mounted thereon a removable tubular blanket having an inner layer (80), an outer layer (66), and an intermediate compressible layer (68). See the entire disclosure of Gaffney et al. ('954). It would have been obvious to one of ordinary skill in the art to provide the printing press of Gaffney et al. ('461) with a first sidewall having a movable portion to allow a tubular blanket to be removed from the press, a source of pressurized fluid to expand the blanket off of the blanket cylinder, and a blanket having a compressible layer between inner and outer layers in view of Gaffney et al. ('954) so as to eliminate bulging of the printing blanket. With respect to claims 2 - 8 see page 19 first full paragraph of Gaffney et al. ('954).

The declaration under 37 CFR 1.132 filed July 7, 2003 is insufficient to overcome the rejection of claims 1 - 8 based upon Gaffney et al. ('954) and Gaffney et al. ('461) as set forth in the last Office action because: The parent application Serial No. 07.417,587 simply does not disclose the characteristics of the printing plate as alleged in the declaration. A printing plate *may* be thin and rectangular, having opposites ends wrapped about a plate cylinder and insertable into a gap but this is not always necessarily so. For example, Wyllie et al. (US 3,166,013) disclose in column 1 lines 14 - 23 the conventionality of a tubular "printing plate", Knauer (US 4,807,527) teaches in column 1 lines 19 - 25 that a printing plate may be in the form of a sleeve, and Randazzo (US 4,823,697) teaches in column 1 lines 6 - 22 the desirability of eliminating the axially extending gap in a plate cylinder. Furthermore, the teachings on pages 7 and 8 of parent application Serial No. 07/417,587 appear to imply a continuous uninterrupted surface on both the blanket cylinder and the plate cylinder. Note the teaching "the rolling engagement between the blanket and printing plate on the plate cylinder 22 tends to be smooth and relatively vibration free" in the paragraph bridging pages 7 and 8, the teaching "to promote smooth rolling engagement with the *cylindrical* outer surface 42 of the printing plate on the plate cylinder 18" in the first full paragraph on page 8, and the teaching "Thus, an ink pattern can be applied to the surface 40 of the blanket throughout *the entire area* of the surface 40" in the second full paragraph on page 8. Overall, the disclosure in the parent application 07/417,587 does not support the limitations of the printing plate having "opposite ends", being "wrapped around" the plate cylinder, and inserted into "an axially extending gap" in the plate cylinder.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The terminal disclaimer filed July 7, 2003 is acceptable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R. Funk whose telephone number is (703) 308-0982.

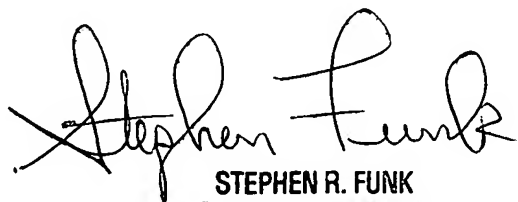
The examiner can normally be reached Monday - Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached on (703) 305-6619.

The fax phone number for *official* papers is (703) 308-7722, 7724. The fax number for those wishing an auto-reply verifying receipt of *official* papers is (703) 872-9318 or for After Final actions is (703) 872-9319. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SRF
September 2, 2003



STEPHEN R. FUNK
PRIMARY EXAMINER